## REMARKS

Claims 1–20 are pending in the present application.

Reconsideration of the claims is respectfully requested.

### 35 U.S.C. § 102 (Anticipation)

Claims 1–2, 4, 8–10, 12–14, 18 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,606,341 to *Kanterakis et al*. This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-76 (8th ed. rev. 4 October 2005).

Independent claims 1 and 13 each recite cyclo-stationary filtering of successive bursts of a received data signal. As used in the specification, cyclo-stationary filtering refers to relying on the assumption that channel characteristics are relatively stationary across successive data bursts (i.e., change slowly relative to data burst rates) to apply equalizer weights computed for one data burst to filtering of a next successive data burst, with the equalizer weights computed for the next successive data burst being employed to update the profile for the respective subscriber station and then used to filter a subsequent data burst. Such a feature is not found in the cited reference. *Kanterakis et al* teaches using the pilot and/or preamble portions of a current data segment to determine the weights for programmable matched filter 315/415 operating on that current data segment, not weights computed from a prior data segment. *Kanterakis et al*, column 4, lines 6–23.

The Office Action states:

> Applicant argued that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies . . . . are not recited in the rejected claim(s).

Paper No. 060313, pages 2–3. However, independent claims 1 and 13 do, in fact, recite "cyclo-stationary filtering." Accordingly, the claims do, in fact, recite the feature(s) of applying equalizer weights computed for one data burst to filtering of a next successive data burst based on the assumption that channel characteristics are relatively stationary across successive data bursts (i.e., change slowly relative to data burst rates) by reciting "cyclo-stationary filtering." The Examiner has not identified any evidence for concluding that "cyclo-stationary filtering" has a meaning differing from the meaning ascribed to that term in the specification. Accordingly, the Examiner has no basis for adopting any interpretation of the term "cyclo-stationary filtering" that is contrary to the meaning ascribed to that term in the specification.

*Kanterakis et al* does not use the term "cyclo-stationary filtering," nor does *Kanterakis et al* describe applying equalizer weights computed for one data burst to filtering of a next successive data burst based on the assumption that channel characteristics are relatively stationary across successive data bursts.

Therefore, the rejection of claim 1–2, 4, 8–10, 12–14, 18 and 20 under 35 U.S.C. § 102 has been overcome.

## 35 U.S.C. § 103 (Obviousness)

Claims 3, 11, 15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kanterakis et al* in view of U.S. Patent No. 5,812,951 to *Ganesan et al*. Claims 5–7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kanterakis et al* in view of U.S. Patent No. 5,283,780 to *Schuchman et al*. Claims 16–17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kanterakis et al* in view of U.S. Patent No. 4,932,070 to *Waters et al*. This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4 October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

As noted above, independent claims 1 and 13 recite at least one feature not found in *Kanterakis et al*. Such feature is also not found in the other cited references.

Therefore, the rejection of claims 3, 5–7, 11, 15–17 and 19 under 35 U.S.C. § 103 has been overcome.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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